

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS ANNUITY FUND,
NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS CHARITY
FUND, UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA FUND and THE NEW YORK CITY
AND VICINITY CARPENTERS LABOR-MANAGEMENT
CORPORATION, by MICHAEL J. FORDE, and PAUL
O'BRIEN, as TRUSTEES, and MICHAEL J. FORDE, as
EXECUTIVE SECRETARY-TREASURER, DISTRICT
COUNCIL FOR NEW YORK CITY AND VICINITY,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

08-CV-2001

Plaintiffs,

-against-

EASTLAND CONSTRUCTION, INC.,

Defendant.

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ANSWER AND AFFIRMATIVE DEFENSES

Defendant Eastland Construction, Inc., (hereinafter "Defendant") by its attorneys, The
Ziskin Law Firm, as and for its Answer and Affirmative Defenses, alleges as follows:

01. Denies each and every allegation set forth in paragraph numbered "1" of the
Complaint.

02. With regard to paragraphs numbered "2," "3" and "4" of the Complaint Defendants assert that such allegations contain legal conclusions which are for consideration of the Court.

03. Denies knowledge and information sufficient to form a belief as to each and every allegation set forth in paragraphs numbered "5" and "6" of the Complaint and assert that such allegations contain legal conclusions which are for consideration of the Court.

04. Admits each and every allegation set forth in paragraphs numbered "7" and "8" of the Complaint.

05. Denies each and every allegation set forth in paragraphs numbered "9," "10," "11," "12," "13," "14," and "15" of the Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

06. Plaintiffs have failed to set forth a cause of action upon which relief may be granted.

AS AND FOR A SECOND SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

07. Plaintiffs are bound by the doctrine of accord and satisfaction with regard to their allegation respecting unpaid contributions as set forth in the complaint.

AS AND FOR A THIRD SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

08. Plaintiffs are bound by the doctrine of laches from claiming unpaid contributions to the various benefit funds, as alleged in the complaint.

AS AND FOR A FOURTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

09. Plaintiffs are bound by the doctrine of estoppel from asserting unpaid contributions for benefits as alleged in the complaint.

AS AND FOR A FIFTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

10. Plaintiffs have received full payment for all alleged contributions that are claimed to be due and owing as set forth in the complaint.

AS AND FOR A SIXTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

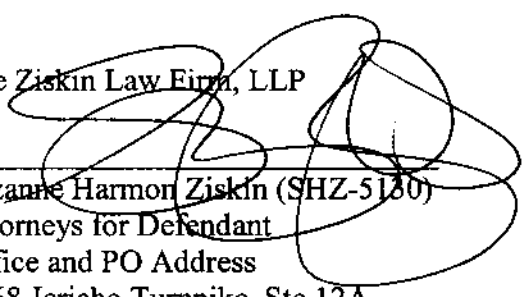
11. Plaintiffs have received all documents required to be produced at the direction of the arbitrator which are in the possession of the Defendant.

12.

WHEREFORE, it is respectfully urged that the complaint be dismissed in its entirety, together with costs and attorneys' fees.

Dated: Commack, New York
March 24, 2008

The Ziskin Law Firm, LLP

By: 
Suzanne Harmon Ziskin (SHZ-5130)
Attorneys for Defendant
Office and PO Address
6268 Jericho Turnpike, Ste 12A
Commack, New York 11725
(631) 462-1417

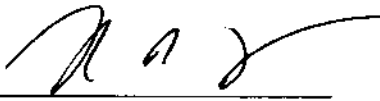
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

RICHARD B. ZISKIN, being duly sworn, deposes and says:

I am not a party to the action, am over eighteen years of age, and reside at
Smithtown, New York. On March 24, 2008, I served a true copy of Defendants' Answer
and Affirmative Defenses in the following manner: by mailing same in a sealed envelope,
with postage pre-paid thereon, in a post office or official depository of the U.S. Postal
Service within the State of New York, addressed to the last known address of the
addresses as indicated below:

O'Dwyer & Bernstein, LLp
52 Duane Street
New York, NY 10007
Att: Andrew Grabois, Esq.



RICHARD B. ZISKIN

Sworn to before me this
24th day of March, 2008



Notary Public

SUZANNE H. ZISKIN
Notary Public, State of New York
No. 02ZI6007115
Qualified in Suffolk County
Commission Expires 3/18/10